



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOP/171109

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**PRELIMINARY RECITALS**

Pursuant to a petition filed January 4, 2016, under Wis. Admin. Code, §HA 3.03, to review a decision by the Dane County Dept. of Human Services to recover FoodShare benefits (FS), a hearing was held on March 11, 2016, at Madison, Wisconsin. A hearing set for February 9, 2016 was rescheduled at the petitioner's request. The record was held open 60 days for petitioner to provide additional documentation. The documents were received, and the county recalculated the overpayments based upon the new information. Petitioner was given until June 9, 2016 to object to the changes; no objection was received by the Division of Hearings and Appeals.

No issue remains for determination.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Petitioner's Representative:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED]

Dane County Dept. of Human Services  
1819 Aberg Avenue  
Madison, WI 53704-6343

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Illinois. He formerly resided in Dane County.

2. On November 19, 2015 the Division of Hearings and Appeals issued a series of decisions holding that the mother of petitioner's two children failed to report that petitioner lived with her for at least the four previous years. Petitioner did not appeal.
3. On November 23, 2015 the county issued notices to petitioner and the mother that they were overpaid a total of \$36,377 in FS from October 1, 2010 through March 31, 2015. The claim was for all FS issued during the time period because petitioner had not provided income information for the time period.
4. At the hearing and then during the open record period petitioner provided all tax returns for the years in question.
5. Based upon the information provided the county reduced to FS overpayment to \$9,763. With petitioner added to the case there still was an overpayment but substantially smaller than originally calculated.

### **DISCUSSION**

On May 17, 2016 Ms. Johnson issued a letter explaining the adjustments to the FS overpayments. Because the overpayment period was so long the total FS overpayment was broken down into a number of sub-claims for consecutive time periods. I thus will order the county to adjust the claims as set out in the May 17, 2016,

### **CONCLUSIONS OF LAW**

No issue remains for determination.

**THEREFORE, it is**

### **ORDERED**

That the matter be remanded to the county with instructions to adjust the FS overpayment claims originally determined in November, 2015 as set out in the May 17, 2016 letter, thereby reducing the total FS claim to \$9,763. The county shall do so within 10 days of this decision.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to the Dane County Circuit Court. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health

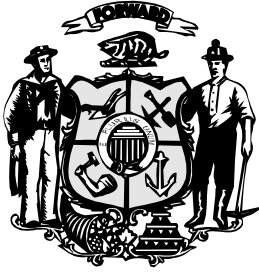
Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 10th day of June, 2016

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\sBrian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on June 10, 2016.

Dane County Department of Human Services  
Public Assistance Collection Unit  
Division of Health Care Access and Accountability  
Attorney [REDACTED]